

Claim 49 (New). The method of claim 32, wherein
the antioxidant composition is a biologically active composition, and
the introducing step comprises administering to warm-blooded animals an antioxidatingly
effective amount of said antioxidant composition to induce antioxidant activity in warm-blooded
animals.

Claim 50 (New). The method of claim 32, wherein
the introducing step comprises administering to warm-blooded animals an antioxidatingly
effective amount of said composition to treat free radical-mediated cellular damage in warm-
blooded animals.

REMARKS

Status of the Claims

Claims 32-50 are pending. Claims 1-31 are canceled. Claims 32-50 are added. The added claims are based on the disclosure including the canceled claims and, as such, do not introduce new matter. All of the added claims are directed to the elected Group (discussed further below) and based on objected to subject matter.

As stated by the Examiner in the outstanding Office Action, the "[r]eferences of record do not relate pyrimidinol compounds to the inhibition or antioxidation in therapeutical uses." See page 5 of the Office Action.

Corrected Filing Receipt

On January 31, 2002, Applicants filed a Petition Under 37 C.F.R. § 1.10 to correct the filing date appearing on the Official Filing Receipt. A copy of that Petition is enclosed as ATTACHMENT 1. No response from the Office with respect to the Petition has been received.

As is shown by the attachments to the petition, this application clearly is entitled to a "date in" date of June 25, 2001. The Official Filing Receipt incorrectly lists the filing date as June 26, 2001. The Examiner is respectfully requested to check the status of the Petition.

Additionally, on October 9, 2001, Applicants filed a Request for Corrected Filing Receipt to correct the title of the invention to read: -- Novel Chain-Breaking Antioxidants --. The Examiner is respectfully requested to check the status of the Request, or correct the title by Examiner's Amendment.

The cooperation and attention of the Examiner with respect to these matters is appreciated.

Restriction Requirement

The Examiner issued a Restriction Requirement, dividing the invention into four (4) Groups. As is correctly stated in the Office Action, Applicants made a provisional election to prosecute:

Group I, Claims 1-6, 10, 14-16, 23, 26, and 29.

This election was made with right of traverse.

Applicants affirm that election.

In a effort to expedite allowance of this Application, Applicant have canceled claims directed to the non-elected Groups.

Issues under 35 U.S.C. § 112, Second Paragraph

Claims 3, 5, 6, and 10 were rejected under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. This rejection is respectfully traversed. However, in view of the above claim amendment this rejection is moot. Claims 3, 5, 6 and 7 have been cancelled. The newly added claims which correspond with previous claims 3, 5, 6 and 7 do not include the features which were objected to in the office action. For example, Claim 32 includes the “alkyl” group. Additionally, the variables of Formula 7 are now consistent with those of Formula 4. Finally, Claims 10 and 7 have both been cancelled so the infinite basis issue is no longer relevant.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

Issues Under 35 U.S.C. § 102

Claims 1-3 and 5 stand objected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent Nos. 4,554,276; and 5,010,193. This rejection is respectfully traversed. However, in view of the above claim amendment, this rejection is moot. Claims 1-3 and 5 are cancelled.

Additionally, this rejection is not relevant to the added claims. Specifically, Claim 32, the independent claim, is a combination of former Claims 14 and 1. Claim 14 was free from this

rejection. Accordingly, all the claims based their dependency on Claim 32 should be free from this rejection as well.

Applicants respectfully request that this rejection be withdrawn.

Claims 1, 2, and 4 are rejected under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. Patent No. 5,521,192. This rejection is respectfully traversed. However, this rejection is rendered moot by the above amendment. Claims 1, 2, and 4 are cancelled. This rejection is not relevant to the added claims because independent Claim 32 incorporates the features of Claim 14. Claim 14 is free from this rejection.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claims 1, 2, 4, and 10 are rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 4,374,136. This rejection is respectfully traversed. However, this rejection is rendered moot by the above amendment. Claims 1, 2, 4, and 10 are cancelled. This rejection is not relevant to the recent claims because independent Claim 32 incorporates the features of Claim 14. Claim 14 is free from this rejection.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim 3 is rejected under 35 is rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 4,711,888. This rejection is respectfully traversed. However, this rejection is rendered moot by the above amendment. Claim 3 is cancelled. This rejection is not relevant to the recent claims because independent Claim 32 incorporates the features of Claim 14. Claim 14 is free from this rejection.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim 1 is rejected under 35 is rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by Jovanoic (Can.J.Cham., Vol. 62(6), 6/1984, Bp. 1176-1188). This rejection is respectfully traversed. However, this rejection is rendered moot by the above amendment.

Claim 1 is hereby cancelled. This rejection is not relevant to the recent claims because independent Claim 32 incorporates the features of Claim 14. Claim 14 is free from this rejection.

Accordingly, Applicants respectfully request that this rejection be withdrawn.

Claim Objections/Allowable Subject Matter

The Examiner's objections to Claims 14-16, 23, 26, and 29 as being allowable if re-written in independent form is noted.

Applicants additionally note and agree with the Examiner's statement that the "references of record do not relate pyrimidinol compounds to the inhibition of oxidation or anti-oxidation in therapeutical uses."

Information Disclosure Statement

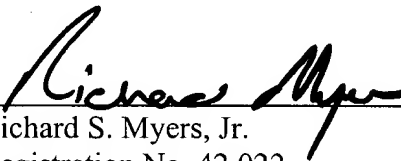
Applicants have submitted two (2) Information Disclosure Statements with respect to this Application. The first IDS was submitted on September 17, 2001. The second IDS was submitted on February 6, 2002. Applicants note that the Office Action Summary indicates that the Information Disclosure Statements were attached. However, the initialed Information Disclosure Statements were not received by Applicant. The Examiner is respectfully requested to enclose the initialed Information Disclosure Statements with the next communication.

From the foregoing, further and favorable reconsideration is requested in the form of a Notice of Allowance and such action is believed to be in order.

No fee is required for this Response.

If the Examiner has any questions concerning this Response or the Application in general, he is respectfully requested to contact the undersigned at the number listed below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard S. Myers, Jr.", is written over a horizontal line.

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Version of Specification Amendments Showing Changes Made

Paragraph beginning on page 20, line 17:

-- Preferred compounds of Formula 4, above, include compounds of [Formula] Formulae
7 and 9, below. Preferred compounds of Formula 5, above, include compounds of Formula 8
[and 9,] below. --

Paragraph on page 28, line 4:

-- Example 1. 5-[Pyrimdinol]Pyrimidinol.--